

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Los Angeles Metropolitan Transportation Authority to Construct a Pedestrian Grade Separation for a New Center Platform at the Existing Van Nuys Station in the City of Los Angeles on Southern California Regional Rail Authority's Ventura Subdivision at MP 455.08 (Proposed CPUC No. 101VE-455.08-BD and DOT No. 966382S).

Application 15-06-012
(Filed June 16, 2015)

**DECISION AUTHORIZING THE LOS ANGELES METROPOLITAN
TRANSPORTATION AUTHORITY TO CONSTRUCT A PEDESTRIAN GRADE-
SEPARATED CROSSING FOR THE VAN NUYS STATION UNDER THE
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY VENTURA
SUBDIVISION TRACKS IN THE CITY AND COUNTY OF LOS ANGELES**

Summary

This decision grants the Los Angeles Metropolitan Transportation Authority authorization to construct a new grade-separated pedestrian-rail crossing at the Van Nuys Station under the Southern California Regional Rail Authority Ventura Subdivision tracks located in the City and County of Los Angeles. The crossing will be identified as California Public Utilities Commission Crossing Number 101VE-455.08-BD, and United States Department of Transportation Number 966382S.

This proceeding is closed.

Discussion

The Los Angeles Metropolitan Transportation Authority (LACMTA) proposes to construct a new grade-separated pedestrian-rail crossing (crossing) connecting the parking lot and the new center platform of the Van Nuys Station. The crossing is part of Southern California Regional Rail Authority's (SCRRA) project to modify the station by constructing a new center platform between the main tracks. The crossing will pass under the realigned southerly SCRRA's Ventura Subdivision main line track, namely Track Two, at approximately milepost 455.08 and be identified as California Public Utilities Commission (CPUC/Commission) Crossing Number 101VE-455.08-BD and United States Department of Transportation (DOT) Number 966382S.

SCRRA and the National Railroad Passenger Corporation (Amtrak) operate approximately 33 passenger trains per day on SCRRA's Ventura Subdivision tracks at a maximum speed of 79 miles per hour (MPH). In addition, the Union Pacific Railroad Company (UPRR) operates approximately 12 freight trains per day at a maximum speed of 40 MPH over these tracks.

The proposed crossing is part of the expansion project with the primary objective of adding a center platform to serve both main tracks and the shifting of the GemCo yard crossover to the west of the Van Nuys Boulevard overpass. The UPRR GemCo yard lead is directly east of the two main tracks and across from the existing Van Nuys Station platform. The proposed center platform will serve both main tracks and allow the simultaneous passenger boarding and alighting of eastbound and westbound trains. The crossing will provide a safe pathway for pedestrians and bicyclists underneath the SCRRA track to the proposed center platform by means of a concrete tunnel structure. The structure will be approximately 14 feet long, 14 feet wide and 10 feet high, and will consist of pre-

cast concrete boxes. LACMTA will install an inter-track barrier fence between the lead and the main track on the north side of the station to separate the UPRR GemCo yard and station tracks. LACMTA will also install handrails along the pedestrian walkways on the ramps and stairwells approaching the crossing to direct and channelize pedestrian movement.

LACMTA will install lighting along the length of the tunnel crossing to illuminate the pathway and a skylight per applicable local codes. The crossing design and construction will conform to Americans with Disabilities Act (ADA) requirements. The vertical and horizontal clearances between the railroad tracks and the new center platform comply with the minimum clearance requirements as specified in Commission General Order (GO) 26-D, *Regulations Governing Clearances on Railroads and Street Railroads*.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA) (as amended, Public Resources Code Section 21000, et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, SCRRA is the lead agency for this project, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

SCRRA filed a Notice of Exemption (NOE) with the Los Angeles County Clerk on July 9, 2013. The NOE states that the project qualifies for a Statutory Exemption under CEQA Public Resources Code Section 21080(b)(10) and CEQA Guidelines, Section 15275. Both of these sections provide in pertinent part that CEQA does not apply to mass transit projects that institute or increase passenger or commuter service on rail lines or highway rights-of-way already in use, or that includes the modernization of existing stations and parking facilities.

The Commission reviewed and considered the NOE and finds the document adequate for our decision-making purposes.

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

⁴ CEQA Guidelines Section 15096(g).

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch staff has reviewed and analyzed the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3359 dated June 25, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Elizaveta Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on June 25, 2015.

2. LACMTA requests authority, under Public Utilities Code Sections 1201-1205, to construct a new pedestrian grade-separated crossing for the Van Nuys Station under SCRRA Ventura Subdivision main line tracks located in the City and County of Los Angeles, to be identified as CPUC Crossing No. 101VE-455.08-BD and DOT No. 966382S.

3. The crossing design and construction will conform to ADA requirements.

4. The crossing will comply with all minimum clearance requirements set forth in Commission GO 26-D.

5. For safety and security purposes, LACMTA will install lighting within the crossing tunnel.

6. SCRRA is the lead agency for this project under CEQA.

7. SCRRA submitted a NOE which states that the project is statutorily exempt under CEQA Public Resources Code Section 21080(b)(10) and CEQA Guidelines, Section 15275

8. Impacts related to rail crossings are areas within the scope of the Commission's permitting process.

9. The proposed crossing will provide a safe public access between the Van Nuys Station and parking lot and will result in increased efficiency of public safety.

Conclusions of Law

1. Safety, traffic, noise, and other impacts related to the highway-rail crossing are areas within the scope of the Commission's permitting process.

2. The design features selected by LACMTA for the crossing and the center platform are consistent with the GO 26-D requirements.

3. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's NOE.

4. SCRRRA's determination that the project is statutorily exempt from the CEQA is adequate for the Commission's decision-making purposes.
5. The NOE was completed in compliance with CEQA.
6. The application is uncontested and a public hearing is not necessary.
7. The application should be granted as set forth in the following Order.
8. The proceeding should be closed.

ORDER

IT IS ORDERED that:

1. The Los Angeles Metropolitan Transportation Authority is authorized to construct a new grade-separated pedestrian rail crossing under the Southern California Regional Rail Authority Ventura Subdivision southerly main line track, namely Track Two, connecting the parking lot and the new center platform at the Van Nuys Station in the City and County of Los Angeles, as described in its application.
2. The grade-separated pedestrian crossing shall be identified as California Public Utilities Commission Crossing Number 101VE-455.08-BD and United States Department of Transportation Number 966382S.
3. The grade-separated pedestrian-rail crossing shall have the crossing treatments and configuration described in this decision and specified in the application and attachments.
4. The Los Angeles Metropolitan Transportation Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with

Disabilities Act Standards for Transportation Facilities, and the California Manual on Uniform Traffic Control Devices.

5. The Los Angeles Metropolitan Transportation Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch at least five (5) business days prior to opening the crossing. Notification must be made to rceb@cpuc.ca.gov.

6. Within 30 days after completion of the work under this order, the Los Angeles Metropolitan Transportation Authority shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch in writing, by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm. This report may be submitted electronically to rceb@cpuc.ca.gov.

7. Within 30 days after completion of the work under this order, the Southern California Regional Rail Authority shall notify the Federal Railroad Administration of the existence of the crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy shall be provided concurrently to the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch. This copy of the form may be submitted electronically to rceb@cpuc.ca.gov.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so requires.

9. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

10. This application is granted as set forth above.

11. Application 15-06-012 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.